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1	Volume: I Pages: 66 Exhibits: 11	1	I N D E X
2	UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS	2	WITNESS: DIRECT CROSS REDIRECT RECROSS
3		3	
4	CARLOS A. AGUIAR Plaintiff	4	Jose Lima 4
5	Docket No. vs. 04-12011-MLW	5	EXHIBITS: DESCRIPTION PAGE
6	LIMA & CURA FISHING CORPORATION, Defendant	6	
7		7	1 Photograph 4
8		8	2 Photograph 4
9		9	3 Photograph 4
10		10	4 Photograph 4
11		11	5 Photograph 4
12		12	6 Photograph 4
13	INTERPRETED DEPOSITION of JOSE LIMA, a witness called by and on behalf of the Plaintiff, taken pursuant to the Federal Rules of Civil Procedure, interpreted by Maria Margaret Furtado before Cynthia F.	13	7 Photograph 4
14	Stutz, Certified Shorthand Reporter and Notary Public	14	8 Photograph 4
15	in and for the Commonwealth of Massachusetts, at the offices of Latti & Anderson, 46 Union Street, New	15	9 Photograph 4
16	Bedford, Massachusetts, on Wednesday, November 9, 2005, commencing at 11:04 a.m.	16	10 Photograph 4
17		17	11 Photograph 4
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	*ALL EXHIBITS RETAINED BY ATTORNEY BERG *
	Page 2		Page 4
1	APPEARANCES:	1	P R O C E E D I N G S
2	DAVID J. BERG, ESQ. Latti & Anderson, LLP	2	IT IS HEREBY STIPULATED AND AGREED BY
3	30-31 Union Wharf Boston, Massachusetts 02109	3	AND BETWEEN COUNSEL that the reading and signing of the
4	on behalf of the Plaintiff	4	deposition by the deponent shall be done within thirty
5	JOSEPH A. REGAN, ESQ. Regan & Kiely, LLP	5	days; that the notarization of the signature and the
6	85 Devonshire Street Boston, Massachusetts 02109	6	filing of the deposition be waived; and that all
7	on behalf of the Defendant	7	objections, except as to form, and motions to strike be
8		8	reserved for the time of trial.
9		9	(Exhibit Nos. 1 - 11 marked
10		10	for identification.)
11		11	* * * *
12		12	Whereupon:
13		13	JOSE LIMA,
14		14	having been satisfactorily identified and duly sworn by
15		15	the Notary Public, was examined and testified as
16		16	follows:
17		17	*0* DIRECT EXAMINATION
18		18	BY MR. BERG:
19		19	Q. Could you state your name, please?
20		20	A. Jose Lima.
21		21	Q. Your address?
22		22	A. 95 Bonney Street.
23		23	Q. What town?
24		24	A. New Bedford.

1 (Pages 1 to 4)

Hennessey Corp d/b/a Robert H. Lange Co.
617-523-1874

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<p style="text-align: center;">Page 41</p> <p>1 Q. What did you see when Carlos got hurt? 2 A. What did I see? 3 Q. Yeah. 4 A. I saw that he put the chain through, meanwhile 5 <u>the boat went to one side.</u> I think the net, the 6 fishing net was a little heavier because of the mud and 7 all that and he didn't pull his hand out quick enough 8 and the pistol opened up and caught him on his finger. 9 MR. BERG: Could you just read that 10 back, please? 11 (Answer read back by the reporter.) 12 Q. Okay. So before he got hurt, you had pulled 13 the door up to the position shown in the top right of 14 Exhibit 4? 15 A. Not the top one. Not the top there. 16 Q. I mean you had put the door into the position? 17 A. Yes. 18 Q. Let me rephrase that. Before Carlos got hurt 19 you had pulled the door into the position shown in the 20 top right picture of Exhibit 4? 21 A. Yes. 22 Q. Carlos then went to hook up the chain into the 23 pistol? 24 A. Yes, he did this job here.</p>	<p style="text-align: center;">Page 43</p> <p>1 came down. It came down and hit him on his finger. 2 Q. He had the hook -- Before he got hurt he had 3 the hook closed, is that right? 4 A. No, it's always opened. If you not working 5 with it, then it's opened. If the doors are in the 6 water they're open. 7 Q. But after he put the hook through the chain, 8 did he close the hook? 9 A. When he was going to close it, that's when it 10 happened. 11 Q. I see. Did you ever see if he started pulling 12 the ring down to lock the hook? 13 A. Yes, he had both hands, he was working with 14 both hands. He was pulling it down, that's when it 15 happened. 16 Q. He was holding the hook closed with one hand 17 and pulling the ring down with the other? 18 A. Exactly. 19 Q. Which hand was he holding the hook closed 20 with? 21 A. I think the left one. 22 Q. And he was pulling the ring down with his 23 right hand? 24 A. In my opinion -- It might have been the right</p>
<p style="text-align: center;">Page 42</p> <p>1 MR. REGAN: For the record, he's pointed 2 to the right-hand photo in Exhibit 3 when he said this 3 is the job. 4 Q. And did you see him put the chain over the 5 hook of the pistol? 6 A. Yes, I saw him putting it in and then when he 7 was pulling the pistol, that's when it happened, 8 because it pulled and that thing came back and cut him 9 on his hand. 10 Q. So you saw him -- Let's just do it slowly, 11 because of the translator. You saw him put the chain 12 over the hook of the pistol? 13 A. It's the other way. You put the hook onto the 14 chain. 15 Q. Okay. You put the hook into the chain. 16 THE WITNESS: Yeah. 17 Q. So the hook is open? 18 A. Yes, it was open. 19 Q. And Carlos put the hook into the chain? 20 A. Yes. 21 Q. And then he closed the hook? 22 A. And when he went to close it, that's when the 23 door -- the chain got straightened out and he didn't 24 have time enough to take the hand out and that piece</p>	<p style="text-align: center;">Page 44</p> <p>1 hand. The hand that he had the accident with was the 2 one that was holding the -- 3 Q. Hook? 4 A. The hook closed. I think it might be the 5 right one. 6 Q. And he never got the ring over the hook, is 7 that right? 8 A. If he did, he wouldn't have had the accident. 9 Q. Okay. So he never got the ring over the hook 10 and then the hook opened up? 11 A. Yes. 12 Q. And he got his finger caught? 13 A. Exactly. 14 Q. How close did he get the ring to the hook 15 before the hook opened up? 16 A. That I couldn't tell you. It had to be a 17 distance lower than this showing here, because it never 18 closed, so if it came farther down, it would have held 19 it together. 20 Q. And you said the chain got straightened out? 21 A. It had to be, because the thing opened and it 22 opened when the chain got straightened out. 23 Q. And this is the chain going to the door? 24 A. Exactly.</p>